

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DANIEL FRANK MOTZER,

Defendant.

4:18MJ3137

(C.D. CAL. CR17-467)

ORDER

On September 11, 2018, Defendant appeared before the court on a Petition on Probation and Supervised release (STAR Bench Warrant) arising out of the Central District of California. The defendant was represented by John Vanderslice, Assistant Federal Public Defender, and the government was represented by Steve Russell, Assistant U.S. Attorney.

On the government's motion, the court afforded the defendant an opportunity for a hearing, but Defendant agreed to be detained without a hearing. Under 18 U.S.C. § 3143 (a) and Fed. R. Crim. P. Rule 32.1(a)(6)), Defendant has the burden of proving by clear and convincing evidence that Defendant's release will not pose a flight risk or a danger to the community. Based on the information within the court's record, including the allegations within the Petition, the court finds Defendant has failed to meet the burden of proof and must be detained. Specifically, as alleged in the Petition, Defendant was a participant in the Substance Abuse Treatment and Reentry (STAR) Court, but he failed to report for mandatory STAR Court sessions on July 19 and 26, 2018, and thereafter and until his arrest in Nebraska on September 10, 2018, his whereabouts were unknown.

Defendant will be detained and is therefore entitled to a preliminary hearing, but Defendant voluntarily and knowingly waived that right. Defendant also knowingly and voluntarily waived his right to admit to the allegations in Nebraska, instead choosing to address the allegations in the Petition in the charging district.

IT IS ORDERED:

- 1) The above-named defendant is detained pending further order of the court.
- 2) Defendant is committed to the custody of the Attorney General for confinement and transport to the Central District of California; Defendant shall be afforded a reasonable opportunity for private consultation with counsel; and on order of a court of the United States, or on request of an attorney for the government, the person in charge of the facility shall deliver Defendant to a United States Marshal for appearance in connection with a court proceeding.

September 11, 2018.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge